



Councilmember Charles Allen

AN AMENDMENT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DATE: December 20, 2022

OFFERED BY: Councilmember Charles Allen

TO: B24-1144, the “District of Columbia Housing Authority Stabilization and Reform Emergency Amendment Act of 2022”

VERSION:

<input type="checkbox"/>	Introduced
<input type="checkbox"/>	Committee Report
<input type="checkbox"/>	Committee Print
<input type="checkbox"/>	First Reading
<input type="checkbox"/>	Engrossed
<input type="checkbox"/>	Enrolled
<input type="checkbox"/>	Amendment
<input checked="" type="checkbox"/>	Amendment in Nature of Substitute

Amendment:

Amendatory section 11a, within section 2(c), page 6, line 137, is amended by adding a new subsection (j) to read as follows:

“(j) The Authority shall provide to the Stabilization and Reform Board (“Board”) at least 2 full-time employees who are qualified to provide legal and policy research as requested by members of the Board. Except as otherwise provided by law, a full-time employee provided to the Board pursuant to this subsection shall not share, with employees of the Authority, information about research performed for a Board member, unless the member of the Board authorizes sharing of information.”.

Rationale

This amendment requires the District of Columbia Housing Authority (“Authority”) to provide staffing for the newly created Stabilization and Reform Board (“Board”). Most, if not all, of the proposed new Board members have full-time jobs and do not have time to engage in the sort of legal, policy, and other research that will allow the Board to perform the rigorous oversight of the Authority that the Council intends for the Board to perform. While staff provided pursuant to this new subsection will be employees of the Authority and will remain part of the Authority’s internal management structure, they will be assisting Board members with oversight of Authority policies and activities, so the communications between Board members and staff provided pursuant to this amendment will remain confidential so that Board members can trust that they are receiving unbiased information from staff. This will also help to avoid the appearance of conflicts between the staff’s role assisting the Board’s oversight and the interest of employees of the Authority. However, this confidentiality will not create an attorney-client relationship between Board members and staff provided pursuant to this amendment; in fact, while legal *research* skills would be useful to Board members, it would not be necessary for staff provided pursuant to this amendment to be attorneys or, if attorneys, to be members of the DC bar, because the staff provided pursuant to this amendment will not be providing legal *advice* to Board members. A Board member can, of course, share information provided by staff and can authorize staff to discuss research with staff of the Authority, but if staff share communications with the Authority, it is expected that the authorizing Board member will have provided written confirmation of what information may be shared and with whom.